

Notice of Allowability

Application No.

09/975,015

Examiner

James R. Brittain

Applicant(s)

VILLENEUVE, GERALD

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's communication of August 23, 2004.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

The office action of June 23, 2005 was mailed to the wrong address as the Office records had not been updated to reflect the change of address submitted by applicant in the communication received August 23, 2004. The inconvenience to applicant is regretted, the office action of June 23, 2005 vacated and in the interest of moving prosecution forward for applicant as quickly as possible the application has been allowed as indicated below.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1, line 5, the spelling of --plane-- has been corrected as it is an obvious typographical error.

A claim listing beginning on the next sheet so as to begin on a clean sheet supercedes all prior claim listings, utilizes proper status identifiers and is now the claims of record that are allowed.

CLAIM LISTING

Claim 1 (currently amended) A clamping device for use in a clipboard, said clamping device comprising:

a base plate fixedly attached to a board by bolts, nuts and washers;

an upper clamping member having a front portion, a back portion and a tailing portion, said back portion having an opening corresponding to the tailing portion, and said tailing portion extending substantially in a plane defined by the front portion; a free end of the back portion being spring loadably connected to said base plate at a first spring loaded hinge;

a lower clamping member extending substantially parallel to said upper clamping member, said lower clamping member being spring loadably connected to said upper clamping member via an intermediate connecting member; said lower clamping member being connected to said intermediate connecting member at a second spring loaded hinge and said upper clamping member being connected to said intermediate connecting member at a third spring loaded hinge; said lower clamping member extending through said opening defined in the back portion of the upper clamping member; and

an actuating lever spring loadably connected to said upper clamping member and to said intermediate connecting member at said third spring loaded hinge, said actuating lever being used to move said lower clamping member between a raised resting position and a lowered clamping position in order to retain an existing clamped bundle of sheets on said board while said actuating lever moves said upper clamping member between a lowered

clamping position and a raised actuating position in order to add an extra sheet to said existing bundle of sheets.

Claim 2 (original) The clamping device as defined in claim 1, wherein said upper clamping member is formed by a metal plate that is bent downwardly at a folded line which divided the upper clamping member into said front and back portions.

Claim 3 (original) The clamping device as defined in claim 2, further comprising a latch member for retaining the actuating lever in a downwardly resting position where said actuating lever extends right on top of said tailing portion.

Claim 4 (original) The clamping device as defined in claim 3, further comprising a cranked rod freely secured to the base plate by a first pair of eyelets and to the lower clamping member by one second eyelet, said cranked rod defining a desired traveling path for the lower clamping member such that said lower clamping member travels from its raised resting position to its lowered clamping position.

Claim 5 (original) The clamping device as defined in claim 1, wherein said actuating lever comprises a tongue portion used to transform a downward force applied on said actuating lever into a torsional force applied to said second and third spring loaded hinges when said actuating lever is in an upwardly activated position, said torsional force being created when a free end of said tongue portion comes into contact with and applies a pressure on the intermediate connecting member in order to rotate said intermediate connecting member about said third spring loaded hinges, the rotation of the intermediate connecting member causing said lower clamping member to move between its raised resting position and its lowered clamping position.

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Claim 6 (original) The clamping device as defined in claim 5, wherein the tongue portion of said actuating lever is used to move only the upper clamping member when said actuating lever is in its downwardly resting position, said lower clamping member staying in its raised resting position during the movement made by said upper clamping member.

Claim 7 (original) The clamping device as defined in claim 1, wherein said base plate comprises a stop portion that is used to prevent the existing clamped bundle of sheets from getting stuck under the lower clamping member when said lower clamping member is at its raised resting position.

Claim 8 (canceled)

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Osborne (US 42683, figures 1-5) is the closest art of record and teaches a clamping device comprising a base plate, A, an upper clamping member, B, a lower clamping member, D, and an actuating lever, F, being used to move the lower clamping member between a raised resting position and a lower clamping position in order to retain an existing clamped bundle of sheets on the clamp while the actuating lever moves the upper clamping member between a lowered clamping position and a raised actuating position in order to add an extra sheet to the existing bundle of sheets. There is no suggestion in the art of record to modify the clamp of Osborne so that the upper clamping member, A, would have an opening so that the lower clamping member, D, extends through the opening or to further include in combination an intermediate connecting member connected to the lower clamping member by a second spring loaded hinge and connected to the upper clamping member by a third spring loaded hinge as is claimed in combination in claim 1. This defines structure clearly distinct and nonobvious over Osborne.

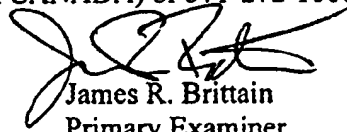
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James R. Brittain
Primary Examiner
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JRB